

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**CHARLES ZIEGENFUSS, ET AL.,**

Plaintiffs,

v.

**No. 4:24-cv-01049-P**

**FREEMAN MARTIN,**

Defendant.

**ORDER**

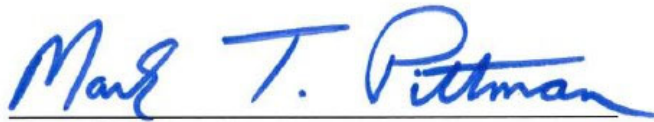
On April 22, 2025, the Court advised the Parties that it planned to appoint an *amicus curiae* “to defend the merits of the Texas Penal Code sections at issue.” ECF No. 32. That Order also permitted the Parties to file any objections to the appointment of the *amicus curiae*. *Id.* The State filed no objection. The Plaintiffs did “not object to this Court making such an appointment,” but requested the right to file objections to the particular *amicus curiae* appointed and respond to the *amicus curiae* brief defending the merits. ECF No. 33. The Court **GRANTS** both of Plaintiffs’ requests.

Therefore, to assist with its decision-making via an adversarial process, the Court **APPOINTS** the following two attorneys as *amici curiae* in this case: **Eric Ruben**, Law Professor at Southern Methodist University Dedman School of Law; and the Honorable **Gregg Costa**, partner in the Houston office of Gibson Dunn & Crutcher LLP. This appointment also includes any research assistants or associates that may assist Professor Ruben and Mr. Costa in their work. The Court **ORDERS** *amici curiae* to defend the merits of Texas Penal Code §§ 46.03(a)(4), 46.03(a)(7), and 46.03(a)(8) at issue in Plaintiffs’ Complaint and Motion for Summary Judgment. ECF Nos. 1, 25. The Court also **ORDERS** that Plaintiffs file any objections to the Court’s appointment **on or before May 15, 2025**.

The Court **ORDERS** that *amici curiae* and Plaintiffs limit their briefs to **35 pages** and adhere to the following schedule:

- **September 12, 2025:** brief of *amici curiae* is due
- **October 10, 2025:** Plaintiffs' response brief is due

**SO ORDERED** on this **8th day of May 2025**.



**MARK T. PITTMAN**  
UNITED STATES DISTRICT JUDGE